IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5247 of 2005

Between:

Bairapura Matham Kumara Swamy, S/o. Basaiah,
Kurugodu Village, Ballary Taluk, Karnataka State.

..... PETITIONER

AND

1 The Recovery Officer, Employees Provident Fund Organisation, Sub-Regional Office, 1/30, R.S.A.Cuddapah.
2 The Commissioner of Provident Fund, Regional Office, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the order No.2813/SRO/CDP/RECY-2/KNL/2004/218 dt.06-07-2004 issued by the 1st respondent is wholly arbitrary, illegal, null and void abinitio and unsustainable under law, and to quash the same with costs.

Counsel for the Petitioner: MR.P.SRI RAGHU RAM

Counsel for the Respondents: MR.R.N.REDDY

The Court at the admission stage made the following :

ORDER:

This writ petition is filed seeking a declaration that the order, dated 06.07.2004 passed by the 1st respondent is arbitrary and illegal.

The petitioner was the highest bidder in the auction held on 18.03.2004 in respect of the immovable property in lot No.2. He states that he has deposited 25% of the bid amount on the date of auction. However, under the impugned proceedings, the sale of immovable property was cancelled and the deposit made by the petitioner was also forfeited.

When the matter is taken up for consideration, the learned Standing Counsel appearing for the respondents, under instructions, states that in pursuance of the impugned order of cancellation the land in question has already been re-auctioned on 11.02.2005.

Hence, I do not see any justifiable reason to entertain this writ petition at this length of time. This shall not preclude the petitioner to work out appropriate remedy as available under law for refund of the amount, if any, due from the respondents.

The writ petition is accordingly dismissed. No costs.

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16.03.2005

Jsu

To

1 The Recovery Officer, Employees Provident Fund Organisation, Sub-Regional Office, 1/30, R.S.A.Cuddapah.
2 The Commissioner of Provident Fund, Regional Office, Hyderabad.

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